

1 THE HONORABLE JOHN C. COUGHENOUR

2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 CHARMANE SMITH,

10 Plaintiff,

11 v.

12 AMAZON,

13 Defendant.
14

CASE NO. C18-1607-JCC

MINUTE ORDER

15 The following Minute Order is made by direction of the Court, the Honorable John C.
16 Coughenour, United States District Judge:

17 This matter comes before the Court on Plaintiff's motion for relief from judgment (Dkt.
18 No. 11). On November 2, 2018, Plaintiff, proceeding *pro se*, filed a complaint and application to
19 proceed *in forma pauperis*. (Dkt. No. 1.) On November 8, 2018, United States Magistrate Judge
20 Hon. Mary Alice Theiler granted Plaintiff's motion to proceed *in forma pauperis*. (Dkt. No. 4.)
21 In her order, Judge Theiler recommended that the Court review Plaintiff's complaint pursuant to
22 28 U.S.C. § 1915(e)(2)(b). (*Id.*) The Court reviewed Plaintiff's complaint and determined that it
23 failed to state a claim upon which relief could be granted. (*See* Dkt. No. 7.) The Court directed
24 Plaintiff to file an amended complaint to correct the deficiencies identified in its order. (*Id.*)
25 After Plaintiff filed an amended complaint, the Court again determined that Plaintiff had failed to
26 state a claim upon which relief could be granted. (Dkt. No. 9.) The Court dismissed Plaintiff's

1 amended complaint without leave to amend. (*Id.*)

2 On January 15, 2019, Plaintiff filed a motion for relief from the Court’s judgment and
3 asking the Court to recuse itself from this action. (Dkt. No. 11.) A district court may relieve a
4 party or its legal representative from a final judgment for the following reasons:

- 5 (1) mistake, inadvertence, surprise, or excusable neglect;
- 6 (2) newly discovered evidence that, with reasonable diligence, could not have been
discovered in time to move for a new trial under Rule 59(b);
- 7 (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or
8 misconduct by an opposing party;
- 9 (4) the judgment is void;
- 10 (5) the judgment has been satisfied, released, or discharged; it is based on an earlier
judgment that has been reversed or vacated; or applying it prospectively is no longer
equitable; or
- 11 (6) any other reason that justifies relief.

12 Fed. R. Civ. P. 60(b). In her motion, Plaintiff alleges that “a group of Black Hat Hackers that
13 I’ve been studying and tracking the methods of since July 2008, have infiltrated the legal system,
14 including, PACER.” (Dkt. No. 11 at 1.) She further alleges that “the Black Hat Hackers have
15 manipulated, deceived, induced, and/or bribed Court Personnel, Officers, and/or Judges into
16 improperly frustrating, delaying, and/or obstructing the progression of civil cases in Federal
17 Cases, nationwide” (*Id.* at 2.) Plaintiff also states that “Judges John C. Coughenour and
18 Mary Alice Theiler are alleged to be prejudiced against my poverty and the amount of money I
19 sued for, and my self-representation” (*Id.* at 3.)

20 Plaintiff’s motion does not include a basis for relief from the Court’s prior judgment
21 dismissing the amended complaint. While Plaintiff states that her motion is supported by
22 “fraud,” the fraud she alleges does not involve a party to this action, but is that of furtive third-
23 parties—“the Black Hat Hackers.” (*Id.* at 2.) Nor does Plaintiff’s motion address the Court’s
24 reasons for dismissing the amended complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). For
25 those reasons, Plaintiff’s motion for relief from judgment (Dkt. No. 11) is DENIED. The Clerk is
26

1 DIRECTED to send a copy of this order to Plaintiff.

2 DATED this 17th day of January 2019.

3 William M. McCool
4 Clerk of Court

5 s/Tomas Hernandez
6 Deputy Clerk